

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

OCTAVIO CARRILLO,

Case No. 2:23-cv-00269-RFB-EJY

Petitioner,

**ORDER**

v.

LUIS ROSA, JR., et al.,

Respondents.

On February 21, 2023, Petitioner Octavio Carrillo paid his filing fee and filed an emergency petition for federal habeas corpus relief under 28 U.S.C. § 2241, challenging his prolonged immigration detention without a bond hearing pending the Ninth Circuit Court of Appeals' decision on his removal. (ECF Nos. 1, 2.) This Court conducted a preliminary review of the petition, directed that it be served on Respondents, and ordered Respondents to respond to it within 14 days. (ECF No. 3.) Respondents timely filed their response along with exhibits in support of their response. (ECF Nos. 4, 4-2, 4-3, 4-4, 4-5, 4-6.)

Respondents explain that at the time Carrillo filed his petition, he was subject to detention under 8 U.S.C. § 1226(c), which calls for mandatory detention for noncitizens who have been convicted of certain crimes while in removal proceedings, and he had been convicted of a crime allowing for mandatory detention. (ECF No. 4.) Nevertheless, he was provided with two detention determinations where an immigration judge concluded that he posed a danger to society. (*Id.*) Moreover, since filing his petition, the Ninth Circuit Court of Appeals found Petitioner removable. (*Id.*) As such, Petitioner is no longer subject to custody under 8 U.S.C. § 1226(c), but, instead, is now subject to detention under 8 U.S.C. § 1231, which requires mandatory detention of noncitizens who have been ordered removed from the United States. (*Id.*)

1 Given the procedural changes to this case since the petition was filed, namely the Ninth  
2 Circuit Court of Appeals' recent memorandum (ECF No. 4-7), the Court finds that a reply from  
3 Petitioner is necessary.

4 **IT IS THEREFORE ORDERED** that Petitioner Octavio Carrillo file a reply to  
5 Respondents' response (ECF No. 4) within 14 days of the date of this order, unless additional time  
6 is allowed for good cause shown.

7 Dated: March 17, 2023

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT COURT